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Letter dated 25 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Saint Lucia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-67107 (E) 071102

Annex

Letter dated 2 October 2002 from the Permanent Representative of Saint Lucia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I am forwarding for your attention the report of the Government of Saint Lucia on counter-terrorism pursuant to paragraph 6 of the Security Council resolution 1373 (2001) (see enclosure).

On behalf of the Government I wish to extend its apologies for the late submission of this report, and take this opportunity to renew the assurances of its highest consideration.

(*Signed*) Earl S. **Huntley**
Ambassador
Permanent Representative

Enclosure

Report submitted by Saint Lucia pursuant to paragraph 6 of Security Council resolution 1373 (2001)*

INTRODUCTION:

The Government and people of Saint Lucia lend their support to the United Nations in condemning the perpetrators of the September 11th attack on the World Trade Centre in which thousands of innocent lives were taken. In public statements, the Government and people of Saint Lucia have continued to express their complete condemnation of the terrorist attacks and stand ready to co-operate fully with all nations against any acts of terrorism. Saint Lucia with the rest of the world has seen the horror of terrorism with the events of September 11th, 2001. The widespread effects of such threats explode through every nation far and wide, destabilising their economy, peace and security.

The events of September 11th have had a negative impact on Saint Lucia's economy in terms of its tourism, trade and financial services. The Government's scarce resources have been put under extreme strain as additional financial resources had to be sourced and applied towards upgrading the Island's security systems/procedures, given the many requests from international organizations. All of these efforts demonstrate the Government's commitment in ensuring that the threat of terrorism is dealt with at all fronts.

Saint Lucia, being a member of the United Nations, has always pledged its support to comply with all Resolutions issued by the United Nations Security Council. Immediately after Resolution 1373 was passed, the Government of Saint Lucia put in place a committee to review the Resolution and to take an in-depth look into Saint Lucia's position in tandem with the requirements of the resolution. The Committee undertook the task of reviewing the administrative, legislative and security arrangements that are currently in place and the way forward in adopting the guidelines set forth in the Resolution.

The report has undertaken to give a synopsis of what measures Saint Lucia has in place and what Saint Lucia intends to do in the future to meet the requirements of Resolution 1373. The report is organized in accordance with the structure of the Resolution.

IA PREVENT AND SUPPRESS THE FINANCING OF TERRORIST ACTS.

Currently, no such crime exists under our law, although offences that lead to loss of life and damage to property within the state are punishable under the common law and under other general statute law.

It is the Government's intention to introduce legislation into Parliament towards the end of the year, which would specifically prohibit the financing of terrorism and all ancillary acts as criminal offences.

* Enclosures are on file with the Secretariat and are available for consultation.

The passage of this legislation will also allow for the applicability of the **Proceeds of Crime Act No 10 of 1993**.

Already, **The Money Laundering (Prevention) Act No. 36 of 1999** is applicable to any person engaging in terrorist related activity. Such offences are designated as Money Laundering - predicate offences and fines ranging from one million to two million Eastern Caribbean dollars and/or imprisonment from 5 to 15 years are prescribed under **The Money Laundering (Prevention) Act 1999**.

The Draft **Criminal Code** is currently being revised by our Legislative Drafters and we anticipate that it will soon become law. It includes offences against Public Order; Genocide and Capital murder. In respect of Capital murder, the Draft Criminal Code states inter alia that;

> "... murder committed by a person in the course or furtherance of an act of terrorism that is to say an act involving the use of violence by that person which, by reason of its nature and extent is calculated to create a state of fear in the public or any sector of the public is Capital Murder.'

Our international finance legislation contains provisions for reciprocal exchange of information. These include:

(1) Registered Agents and Trustee Licensing Act No. 37 of 1999
(2) International Insurance Act No. 38 of 1999
(3) International Trust Act No. 39 of 1999
(4) International Business Companies Act No. 40 of 1999
(5) International Banks Act No. 43 of 1999
(6) International Mutual Funds Act No. 44 of 1999

All of the above legislation would ensure that Saint Lucia is internationally recognised for the sound, prudent and transparent management of its financial affairs. Saint Lucia has a well-regulated financial services sector and has established an independent regulatory framework to ensure that the operation of its financial services sector meets the highest international standards.

There is also a Caricom initiative afoot, geared at drafting uniform draft legislation in regard to the prevention and suppression of financing of terrorist acts. A committee of the Attorneys General within the region have held several meetings in this regard.

In its quest to comply with other international obligations, the Government of Saint Lucia has attempted to co-ordinate its efforts with other jurisdictions in order to demonstrate Saint Lucia's willingness to combat various forms of financial crimes and other trans-boarder illicit activities related to financial services as follows: -

i. Saint Lucia has signed a Tax Information Exchange Agreement with the United States of America in 1984 for the exchange of information with respect to taxes;
ii. Saint Lucia is actively in the process of negotiating Double Taxation Agreements with Canada;

iii. Saint Lucia has also fully complied with guidelines set by the FATF (Financial Action Task Force) and has continued to be off the negative list published by the FATF;

iv. Saint Lucia is also in the process of setting up an FIU (Financial Intelligence) Unit). The bill has been presented to the "House" and one to the Senate. We would expect this Bill to become law before the end of august 2002;

v. The Money Laundering (Prevention) Authority.

IB CRIMINALIZE THE WILFUL PROVISION OR COLLECTION BY ANY MEANS, DIRECTLY OR INDIRECTLY OF FUNDS BY THEIR NATIONALS OR IN THEIR TERRITORIES WITH THE INTENTION THAT THE FUNDS SHOULD BE USED, OR IN THE KNOWLEDGE THAT THEY ARE TO BE USED, IN ORDER TO CARRY OUT TERRORIST ACTS.

Saint Lucia has in place a legislative framework to monitor and control the movement of foreign currency in and out of the country. **The Exchange Control Ordinance Cap 180 of the Revised Laws of Saint Lucia and the Money Laundering (Prevention) Act No. 36 of 1999** allows the relevant authorities to effectively track the legitimate movement of all funds in or out of State.

Saint Lucia does not at the moment in any organised legal way have within its legislative framework a listing of these specific offences or prescribed penalties. Indeed the term terrorism or terrorist act is not specifically defined within our legislation.

However, in so far as it can be shown that such collections are in furtherance of criminal activity, they can be dealt with under existing laws. In Saint Lucia, any assistance rendered in the execution of any criminal act, including the provision or collection of funds, with the intention of funding a criminal act, including injury to or loss of life, damage or destruction, brings one within the purview of criminal sanctions as an aider and abettor or a conspirator. It is arguable therefore that these provisions can be utilised to prevent and suppress such actions.

The following acts relate to the prevention and control of money laundering, proceeds of crime and related matters,

(1) Money Laundering (Prevention) Act No. 36 of 1999 and its recent amendment i.e. **The Money Laundering (Prevention) (Amendment) Act No. 35 of 2001**
Schedule 1 of the Money Laundering Act lists terrorism as a prescribed offence

(2) The Proceeds of Crime Act No. 10 of 1993

(3) Mutual Legal Assistance in Criminal Matters Act No. 10 of 1996

It must however be noted, that Section 3 of the Money Laundering (Prevention) Act provides for the establishment of the Money Laundering (Prevention) Authority whose main duties include conducting investigations into a financial institution for ensuring compliance with the Act. The Authority also receives reports of suspicious transactions and reports to the Commissioner of Police and the Director of Public Prosecutions on the basis of the information received. The Authority is under the purview of the Attorney General.

IC FREEZE WITHOUT DELAY FUNDS AND OTHER FINANCIAL ASSETS OR ECONOMIC RESOURCES OF PERSONS WHO COMMIT, OR ATTEMPT TO COMMIT, TERRORIST ACTS OR PARTICIPATE IN OR FACILITATE THE COMMISSION OF TERRORIST ACTS; OF ENTITIES OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY BY SUCH PERSONS AND ENTITIES, INCLUDING FUNDS DERIVED OR GENERATED FROM PROPERTY OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY BY SUCH PERSONS AND ASSOCIATED PERSONS AND ENTITIES.

Presently, the freezing, restraining, forfeiture or confiscation of assets is under the **Proceeds of Crime Act No. 10 of 1993**, **The Money Laundering (Prevention) Act No. 36 of 1999 and the Customs (Control and Management) Act No. 23 of 1990**. The property must relate to some prescribed form of unlawful activity or offence.

Saint Lucia has no specific legislation which prescribes against the financing of terrorism. However, **The Money Laundering (Prevention) Act No. 36 of 1999** states that terrorism (although not defined) is a prescribed offence. Therefore, persons directly or indirectly engaging in a transaction that involves property that is the proceeds of terrorism knowing or having reasonable grounds to believe the property to be the proceeds of terrorism or who receive, possesses, conceal, dispose of or bring into Saint Lucia property which is the proceeds of terrorism are guilty of the offence of money laundering.

The Court may on application of the Director of Public Prosecutions where he is satisfied that a person charged or is about to be charged with such an offence grant an order freezing the property of, or in the possession, or under the control of that person.

The Court may also on the application of the Director of Public Prosecutions grant an order for the forfeiture of any property owned by, or in the possession, or control of a person convicted of a money laundering offence.

Although the Proceeds of Crime Act makes provision for the forfeiture and confiscation of the proceeds of certain crimes, it appears that Resolution 1373 may require that assets be frozen or confiscated in respect of a person who has been deemed a terrorist by an Executive Order but who has never been charged or convicted. These circumstances are not contemplated by Saint Lucia's legislation as the principle of due process is clearly enshrined in our Supreme law - Constitution Order 1978.

1D PROHIBIT THE NATIONALS OR ANY PERSONS OR ENTITIES WITHIN THEIR TERRITORIES FROM MAKING ANY FUNDS, FINANCIAL ASSETS OR ECONOMIC RESOSURCES OR FINANCIAL OR OHER RELATED SERVICES AVAILABLE, DIRECTLY OR INDIRECTLY, FOR THE BENEFIT OF PERSONS WHO COMMIT OR ATTEMPT TO COMMIT OR FACILITATE OR PARTICIPATE IN THE COMMISSION OF TERRORIST ACTS, OF ENTITIES OWNED OR CONTROLLED, DIRECTLY OR INDIRECTLY, BY SUCH PERSONS AND OF PERSONS ND ENTITIES ACTING ON BEHALF OF OR AT THE DIRECTION OF SUCH PERSONS.

Saint Lucia has no specific legislation which defines terrorism and the financing of terrorism. However, the Attorneys General of Caricom in furtherance of their commitment to cooperating with the international community have convened general meetings geared at producing harmonious draft legislation which would suppress the conduct of terrorist activities and the financing thereof.

Saint Lucia does have a well-regulated financial services sector which provides information which can trace the activities of financial institutions. The Money Laundering (Prevention) Act contains strong provisions in regard to the internal reporting procedures of financial institutions which include banks, building societies, credit unions, insurance companies and companies involved in international financial services. Such institutions are mandated to establish and maintain internal reporting procedures to report to the Money Laundering Authority a transaction where the identity of a person involved in the transaction or in the circumstances relating to the transaction gives an employee of the financial institution reasonable grounds to suspect that the transaction involves the proceeds of terrorism (term not defined).

2A REFRAIN FROM PROVIDING ANY FORM OF SUPPORT, ACTIVE OR PASSIVE, TO ENTITIES OR PERSONS INVOLVED IN TERRORIST ACTS, INCLUDING BY SUPPRESSING RECRUITMENT OF MEMBERS OF TERRORIST GROUPS AND ELIMINATING THE SUPPLY OF WEAPONS TO TERRORISTS.

Saint Lucia's Public Order Act No. 4 of 1976 provides certain safeguards which would have the effect of suppressing such activities including:

(1) the prohibition of the unauthorised meeting of persons to plan or conduct activities deemed prejudicial to public safety.

All public meetings are regulated and scrutinised through a rigid permit and licensing regime which is administered by the Commissioner of Police and the Minister responsible for Internal Security.

(2) The prohibition of quasi-military organisations.

If members or adherents of or any association of persons whether incorporated or not, are organised and trained equipped either for the purpose of enabling them to be employed for use or display of physical force in promoting any political object or in such manner as to arouse reasonable apprehension that they are either trained or equipped for the purpose then that person who takes part in the control or management of the association or in so organising or training members or adherents thereof is guilty of an offence.

(3) The prohibition against unlawfully training or drilling any person to the use of arms or the practice of military exercises or being present when this is being done or submitting to being trained or drilled to the use of arms except with the permission of the Governor General.

In Saint Lucia, there is no automatic right to bear arms, on the contrary only licensed firearm holders are allowed to do so.

The supply of weapons to citizens is controlled by **The Firearms Act No. 11 of 2001.** This Act prohibits the supply of firearms and or explosives to persons without a licence or other authority to carry such weapons. The licence is renewable every three years. Part 11 and Part III of the Act empower the Commissioner of Police to grant such licences and permits.

There are restrictions on the sale of firearms and ammunition, which are collateral to a stringent licensing system. The granting of licences is carefully controlled and monitored. In addition, any person who disembarks in Saint Lucia and who has a firearm or ammunition in his possession is mandated to declare it to Customs officials. On importation, declared firearms are sent to the Police armory for safekeeping until all legal requirements are met.

Further, the Act prohibits the import into or export from Saint Lucia of any firearm or ammunition in the absence of a firearm import or export permit issued by the Commissioner of Police. On departure from Saint Lucia the Port security scans and inspects all hand luggage by electronic means and manually.

The Explosives Ordinance Cap. 53 of the Revised Laws of Saint Lucia regulates the storage and carriage of gunpowder and the manufacture, importation, storage, damage and sale of specially dangerous explosives, and **The Explosives Order Statutory Instrument No. 35 of 1973** prohibits, subject to numerous conditions and restrictions the manufacture, keeping, importation, conveyance and sale of any explosive. It must however be noted that Saint Lucia does not possess the capacity or technical expertise to manufacture, produce or distribute weapons, ammunition or military apparatus.

2B TAKE THE NECESSARY STEPS TO PREVENT THE COMMISSION OF TERRORIST ACTS, INCLUDING BY PROVISION OF EARLY WARNING TO OTHER STATES BY EXCHANGE OF INFORMATION

Saint Lucia is signatory to the Treaty Establishing the Regional Security System - 5th March 1996. This Treaty at Article 4 states that the purposes and functions of the system are to promote cooperation among the member states in the prevention, and interdiction of traffic of illegal narcotic drugs, in national emergencies, search and rescues, immigration control, customs and excise control, maritime policing duties .... combating threats to national security, the prevention of smuggling and in the protection of offshore installations.

Saint Lucia passed **The Regional Security System Act No. 30 of 2000** which makes provision for the implementation of the Treaty establishing the Regional Security System. The Act anticipates that the Member States separately or jointly by means of self-help and mutual aid, maintain and develop their individual and collective capacity to assist one another.

Saint Lucia also has passed the **Mutual Assistance in Criminal Matters Act No. 10 of 1996** which makes provision with respect to the Scheme relating to Mutual Assistance in criminal matters within the Commonwealth and to facilitate its operation in Saint Lucia and to make provision concerning Mutual Assistance in Criminal matters between Saint Lucia and other countries other than Commonwealth countries.

2C DENY SAFE HAVEN TO THOSE WHO FINANCE, PLAN, SUPPORT OR COMMIT TERRORIST ACTS, OR PROVIDE SAFE HAVENS.

The Immigration Ordinance Chapter 76 of the Revised Laws of Saint Lucia 1957 regulates the entry into Saint Lucia of non-nationals.

This legislation makes provision for the Cabinet of Ministers to make an Order declaring certain persons to be prohibited Immigrant(s) where it is satisfied that such person(s) is undesirable as an immigrant;

1. On economic grounds or on account of standard or habits of life.

2. On information or advice that any person(s) is undesirable as an inhabitant of, or a visitor to the colony.

3. On the ground that a person has been convicted in any country of an offence for which a sentence of imprisonment has been passed and in respect of which he has not received a free pardon.

Section 6 of this Ordinance also indicated that the Cabinet may in its absolute discretion prohibit the entry into Saint Lucia of any person who does not belong to Saint Lucia.

These provisions appear to give the Government a wide discretion and it is felt that these provisions are a useful tool to deny entry to persons who finance, plan, support or commit terrorist acts.

Saint Lucia has however recently passed modern immigration laws and regulations - The **Immigration Act No. 20 of 2001.** Although it is not currently enforced this Act may provide some guidance.

The provisions of Schedule 11 of **The Immigration Act 2001** lists Terrorism as an offence so that persons convicted of the offence of terrorism will under this law:

(1) lose the status of permanent resident, or
(2) lose the status of immigrant within Saint Lucia

It must be emphasised however that Saint Lucia's laws do not create terrorism as an offence - It is not defined within our present legislation.

By the end of 2002, it is anticipated that Saint Lucia will introduce to Parliament specific legislation to deal with the matter of terrorism which would encompass the creation of a Criminal offence in respect of the provision of safe haven to those who finance, plan, support and commit terrorist acts.

Meanwhile Saint Lucia has an **Undesirable Aliens Expulsion Ordinance Cap 80 of The Revised Laws of Saint Lucia 1957** which also enables the Governor General to make an Expulsion Order even in anticipation of the arrival of an undesirable alien. Until we are able to enact comprehensive legislation to address terrorism and related activities this legislation can prove to be an effective tool in the anti-terrorism fight.

Saint Lucia also has progressive Extradition Legislation. **The Extradition Act No. 12 of 1986** lists as part of the schedule of offences;

(1) culpable homicide
(2) genocide
(3) piracy
(4) an act or omission with intent to endanger the safety of any aircraft in flight or any person on board such aircraft
(5) an act or omission with intent to destroy or render any aircraft incapable of flight.
(6) an offence against the law relating to the hijacking of aircraft.

(7) an unlawful act of any of the kinds specified in Article i of the Convention for the Suppression of Unlawful Acts against the safety of **Civil Aviation (Montreal Convention) Act**

(8) an offence against the laws relating to firearms and other weapons, ammunition, explosives incendiary devices or murder materials.

A person convicted of any such offences in their state or within a commonwealth state or within a state with which Saint Lucia has signed an Extradition Treaty may be extradited from Saint Lucia in accordance with the legislation.

2D PREVENT THOSE WHO FINANCE, PLAN, FACILITATE OR COMMIT TERRORIST ACTS FROM USING THEIR RESPECTIVE TERRITORIES FOR THOSE PURPOSES AGAINST OTHER STATES OR THEIR CITIZENS

There is, at present, no legislation which specifically addresses this concern but in the proposed new legislation it is contemplated that the definition of terrorism will not be limited to an offence committed in Saint Lucia alone. Rather, it will be a crime even if the offence relates to another state or its citizens. This is consistent with our draft Criminal Code which allows for the prosecution or liability of persons who plan operations from within Saint Lucia.

The Money Laundering (Prevention) Act indicates that it is a money laundering offence if one receives, possesses conceals disposes of or brings into Saint Lucia property which is the proceeds of terrorism knowing or having reasonable grounds to believe the property to be the proceeds of terrorism.

2E ENSURE THAT ANY PERSON WHO PARTICIPATES IN THE FINANCING, PLANNING, PREPARATION OR PERPETRATION OF TERRORIST ACTS OR IN SUPPORTING TERRORIST ACTS IS BROUGHT TO JUSTICE AND ENSURE THAT, IN ADDITION TO ANY OTHER MEASURES AGAINST THEM, SUCH TERRORIST ACTS ARE ESTABLISHED AS SERIOUS CRIMINAL OFFENCES IN DOMESTIC LAWS AND REGULATIONS AND THAT THE PUNISHMENT DULY REFLECTS THE SERIOUSNESS OF SUCH TERRORIST ACTS

Under Section 1A, this mandate has already been addressed with reference to the penal provision of the **Money Laundering (Prevention) Act 1999.** In addition, Saint Lucia has signed and ratified the Montreal Convention and the Tokyo Convention. The following legislation has been enacted:

(1) **Civil Aviation (Montreal Convention) Act No. 15 of 1986** which provides for the implementation of the provisions of the convention for the suppression of unlawful Acts against the Safety of Civil Aviation.

(2) **Civil Aviation (Tokyo Convention) Act No. 13 of 1986** provided for the implementation of the Convention or offences and certain acts committed on board Aircraft and to give effect to certain provisions relating to piracy of the Convention on the High Seas

(3) **Hijacking Act No. 14 of 1986** which was passed to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft. It creates the offence of hijacking and the use of violence against passengers and

crew of an aircraft and it provides for the applicability of the Extradition Act to any state which is a party to the Convention.

These Acts make it an offence to plan, facilitate and commit such terrorists acts whether or not these acts take place within Saint Lucia. Strong penal provisions are also included in these pieces of legislation.

Saint Lucia's current domestic laws do not speak directly to such acts. However, the legislation is applicable to the results of such acts which include loss of life, endangering life, injury to persons and damage to or destruction of property and conspiracy to commit such acts. Saint Lucia's Criminal Code creates serious criminal offences which would encompass the end result or consequence of such terrorist activity.

2F AFFORD ONE ANOTHER THE GREATEST MEASURE OF ASSISTANCE IN CONNECTION WITH CRIMINAL INVESTIGATION OR CRIMINAL PROCEEDINGS RELATING TO THE FINANCING OR SUPPORT OF TERRORISTS ACTS, INCLUDING ASSISTANCE IN OBTAINING EVIDENCE IN THEIR POSSESSION NECESSARY FOR THE PROCEEDINGS

Saint Lucia has specific provisions that permit competent authorities to provide mutual legal assistance to other countries in connection with investigations, inquiries and proceedings relative to the financing of terrorism.

Saint Lucia's **Mutual Legal Assistance in Criminal Matters Act No. 20 of 1996** is comprehensive in regard to criminal investigations and criminal proceedings in respect of, inter alia, an offence committed or suspected on reasonable grounds to have been committed against the laws of that country and including forfeiture proceedings, proceedings to restrain dealing with property and proceedings for the imposition of preliminary penalties.

The Mutual Legal Assistance (Extension and Application to the USA) Regulations No. 112 of 1999 extended the application of the Mutual Assistance in Criminal Matters Act to the United States of America as if it were a Commonwealth Country. It also extended the application of the **Proceeds of Crime Act No. 10 of 1993** to that Country. Part 3 of the Proceeds of Crime Act make provision for the disclosure of information for the purpose of investigation. The Mutual Legal Assistance Treaty and the Extradition Treaty between the

Government of Saint Lucia and the United States of America were also given the force of law.

The Money Laundering (Prevention Act No. 36 of 1999) at Part VII makes specific provision for Mutual Assistance in matters concerning a money laundering offence.

The Court or Money Laundering Authority, on receiving a request from a court or competent authority from a requesting state to freeze, seize or forfeit property, or a thing convicted to a money laundering offence is to take appropriate measures to comply.

Saint Lucia is a member of the Caribbean Customs Law Enforcement Council and supports the Council in its quest for the prevention of trans-national crime.

2G PREVENT THE MOVEMENT OF TERRORISTS GROUPS BY EFFECTIVE BORDER CONTROLS AND CONTROLS ON ISSUANCE OF IDENTITY PAPERS AND TRAVEL DOCUMENTS, AND THROUGH MEASURES FOR PREVENTING COUNTERFEITING, FORGERY OR FRAUDULENT USE OF IDENTITY PAPERS AND TRAVEL DOCUMENTS

As stated, entry into Saint Lucia by non-nationals is governed by the **Immigration Ordinance Chapter 76 of the Revised Laws of Saint Lucia 1957.** Visitors to Saint Lucia require a valid passport or such other documents generally accented as establishing the identity of persons. Entry into Saint Lucia without a visa is permitted to members of certain Commonwealth Countries and to countries with which we have visa abolition agreements.

The Ordinance also prescribes that no person shall enter into Saint Lucia by sea or by air except at a port of entry prescribed under the Ordinance. It also prohibits the entry into Saint Lucia without the consent of an immigration officer. In addition, it imposes an obligation of the master of a vessel to ensure that all passengers who disembark from the vessel do so with the consent of an immigration officer.

The immigration officer is vested with several powers in regard to prohibit immigrants which include issuing an order demanding that the immigrant leave the island forthwith.

As stated, the definition of a *"prohibited immigrant" is* quite broad and includes any person or class of persons who the Government determines to be an undesirable immigrant on the grounds that:

- information and advice has been received that a person(s) is undesirable as an inhabitant of or a visitor to Saint Lucia.

- on account of standard or habits of life the members of any class of persons are undesirable as immigrants.

- a person has been convicted in any country of an offence for which a sentence of imprisonment has been passed and in respect of which he has not received a free pardon.

The Government has the power to issue an order declaring such person(s) to be prohibited immigrants.

Part III of **The Immigration Act 2001** (not yet enforced) specifically regulates the entry of persons into Saint Lucia and Section 5 (2) prescribes that the Minister of Home Affairs may by Order exclude any person or class of persons within the category of permitted entrants. It is envisaged that the Minister may use this discretion to refuse entry to known terrorists.

Schedule I to the Act contains comprehensive provisions to prevent the entry of categories of persons whose criminal record or activities pose a threat to National Security and include,

(1) Persons who are or have been at any time advocates of

(a) the overthrow by force or violence of the Government of Saint Lucia
(b) the assassination of any person or the unlawful destruction of property

(2) Persons who are or have been members of or affiliated to any Organisation which entertains or teaches any doctrine or practice specified in paragraph 7 above.

These provisions could be used to deny entry to foreign nationals suspected of terrorist activities once relevant and timely information is provided to the Immigration authorities.

Saint Lucia passports are issued by the Ministry of Home Affairs in Saint Lucia and at its other diplomatic and consular Missions abroad. It is regulated by **The Passports Act No. 13 of 1991**. This Act makes it an offence to;

(1) make a false statement for the purposes of obtaining a passport
(2) forge a passport
(3) make any statement on an application for a passport which one knows to be false
(4) mutilate, deface or destroy any passport

It is also an offence if a person without lawful authority uses or has in his possession any forged or irregular passport or other document. Strict penalties (fines and imprisonment) are prescribed.

The Act also mandates that any person coming from any place outside Saint Lucia must possess a valid passport issued to him not more than 10 years previously by or on behalf of the Government of the Country of which he is a subject or citizen or some other document which can satisfactorily establish his nationality or identity.

Border controls within the ports of entry in Saint Lucia allow for the proper identification of persons and determination as to their purpose for entering a country. Trained and equipped border personnel can determine if a person is carrying proper identification. Information is recorded manually in a notebook with instructions and effective use of this information.

Saint Lucia is not, at the moment, in possession of passport readable machines. However, such a system is being given consideration in the implementation of the immigration reform process, which is currently being planned.

Although Saint Lucia may not be a target for terrorism, however, in their effort to seek out alternative routes and hide their identity, Saint Lucia can be a transit point for terrorists travelling on international flights. Even if the terrorists are not identified at the port of entry, documenting the person's details by finger-printing, photocopy and scanning his or her movements can be shared with countries having similar policies in the world-wide effort to combat terrorism.

Saint Lucia does not have any financial citizenship programmes and it is not within the contemplation of the Government to facilitate such a programme at present or in the future. Saint Lucia is also not a party to the Convention of the Status of Refugees and therefore does not have a programme for granting refugee status.

The Air and Sea Ports of Saint Lucia are administered, regulated and maintained by the Saint Lucia Air and Sea Parts Authority which is established and regulated **by The Saint Lucia Air and Sea Ports Authority (SLASPA) Act No. I0 of I983**. This Authority diligently carries out its responsibilities in accordance with **The Civil Aviation Act No. 1 of 1992 and The Civil Aviation (Air Navigation) Regulations 1997**, the FAA Regulations and guidelines and **The Shipping Act No. I I of 1994**.

Saint Lucia has always sought to co-operate fully with FAA. This is achieved through the OECS Directorate of Civil Aviation and the Ministry of External Affairs making available to SLASPA, the various security directives as deemed necessary, based on the level of the threat. In consultation and co-ordination with the airlines and Airline Handling Agency, the relevant procedures are then implemented at the respective airports, and monitored by the airlines and airport management.

Since the September 11th attacks, the Saint Lucia Air and Seaports Authority has adopted the following measures:

i. Recalled all previously issued ports security passes;
ii. Reviewed the existing security pass issuing policies;
iii. Issued new colour-coded passes to all persons eligible based on the restricted area to be accessed by the respective employee;
iv. Adopted all the FAA and CAA security directives as were relevant to respective airlines but additional training is required in this regard.

3A FIND WAYS OF INTENSIFYING AND ACCELERATING THE EXCHANGE OF OPERATIONAL INFORMATION, ESPECIALLY REGARDING ACTIONS OR MOVEMENT OF TERRORIST PERSONS OR NETWORKS: FORGED OR FALSIFIED TRAVEL DOCUMENTS; TRAFFIC IN ARMS, EXPLOSIVES OR SENSITIVE MATERIALS; USE OF COMMUNICATIONS TECHNOLOGIES BY TERRORIST GROUPS; AND THE THREAT POSED BY THE POSSESSION OF WEAPONS OF MASS DESTRUCTION BY TERRORIST GROUPS

Saint Lucia is exploring the introduction of legislation, procedures and processes regarding the interception of communications subject to judicial control. At the moment, Saint Lucia is willing to exchange operational information in this regard with other relevant countries or international organizations.

3B EXCHANGE INFORMATION IN ACCORDANCE WITH INTERNATIONAL AND DOMESTIC LAW AND COOPERATE ON ADMINISTRATIVE AND JUDICIAL MATTERS TO PREVENT THE COMMISSION OF TERRORIST ACTS

Much clarification has already been provided under 2 (F)

3C COOPERATE, PARTICULARLY THROUGH BILATERAL AND MULTILATERAL ARRANGEMENTS AND AGREEMENTS, TO PREVENT AND SUPPRESS TERRORIST ATTACKS AND TAKE ACTION AGAINST PERPETRATORS OF SUCH ACTS

Saint Lucia is a member of the CFATF (Caribbean Financial Action Task Force) which is affiliated to the FATF (Financial Action Task Force). Saint Lucia has never been named on the negative list of the FATF. Saint Lucia has complied with guidelines set by the FATF and CFATF and has continued to meet their requirements. Saint Lucia has just completed a questionnaire on special recommendations on terrorist financing arising out of the extra-ordinary plenary meeting called by the FATF to discuss its response to the September 11th attacks and has put together a Plan of Action to combat terrorist financing in the Caribbean region.

Saint Lucia has also made a commitment to the OECD (Organization for Economic Cooperation and Development) for the effective exchange of information. Saint Lucia is also signatory to a tax information exchange agreement with the USA since 1987. There are also informal arrangements between Saint Lucia and other regulatory authorities throughout the commonwealth for effective exchange of information. The exchange of information between the region is soon to be formalized with the assistance of CARTAC (Caribbean Regional Technical Assistance Centre) where a MOU (Memorandum of Understanding) is soon to be established among the OECS (Organization of Eastern Caribbean States).

3D BECOME PARTY AS SOON AS POSSIBLE TO THE RELEVANT INTERNATIONAL CONVENTIONS AND PROTOCOLS RELATING TO TERRORISM, INCLUDING THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM OF DECEMBER 9, 1999

The Attorney-General in conjunction with the Ministry of External Affairs is presently preparing a Memorandum to Cabinet in order to effect the signing and ratification of the outstanding Conventions and Resolutions directly related to the suppression and financing of terrorism. It is anticipated that by the end of the year, all of the outstanding Resolutions would have been signed and/or ratified.

3E INCREASE COOPERATION AND FULLY IMPLEMENT THE RELEVANT INTERNATIONAL CONVENTIONS AND PROTOCOLS RELATING TO TERRORISM AND SECURITY COUNCIL RESOLUTION 1269 (1999) AND 1368 (2001)

Much information has already been provided in **3D**.

3F TAKE APPROPRIATE MEASURES IN CONFORMITY WITH THE RELEVANT PROVISIONS OF NATIONAL AND INTERNAT1ONAL LAW, INCLUDING INTERNATIONAL STANDARDS OF HUMAN RIGHTS, BEFORE GRANTING REFUGEE STATUS, FOR THE PURPOSE OF ENSURING THAT THE ASYLUM-SEEKER HAS NOT PLANNED, FACILITATED OR PARTICIPATED IN THE COMMISSION OF TERRORIST ACTS

Saint Lucia is not a signatory to the **Convention relating to the Status of Refugees 1954**. Neither the ***Immigration Ordinance Chapter 76 nor the Immigration Act 2001*** make specific mention of refugees and the policy pertaining to them. Saint Lucia has no domestic legislation which regulates the granting of Refugee Status.

The Immigration Act 2001 does however list as prohibited immigrant, persons who are stowaways or who seek to enter Saint Lucia illegally.

3G ENSURE, IN CONFORMITY WITH INTERNATIONAL LAW, THAT REFUGEE STATUS IS NOT ABUSED BY THE PERPETRATORS, ORGANISERS OR FACILITATORS OF TERRORIST ACTS, AND THAT CLAIMS OF POLITICAL MOTIVATION ARE NOT RECOGNISED AS GROUNDS FOR REFUSING REQUESTS FOR THE EXTRADITION OF ALLEGED TERRORISTS

Section 6 of the Extradition Act No. 12 of 1986 provides as a general restriction that a fugitive is not to be surrendered if:

(1) the crime of which he is accused or alleged to have been convicted is an offence of a political character;

(2) if the request for his surrender is in fact made for the purpose of prosecuting or punishing him on account of his race, tribe, religion, sex, nationality or political opinions, notwithstanding that the request purports to be made on account of an extradition crime;

However, certain offences under the Act are deemed not to be political offences. They include hijacking of aircraft, genocide, endangering the safety of aircraft or passengers or aircraft murder, kidnapping or other violence against international protected persons.

TECHNICAL ASSISTANCE

Technical assistance is required in the provision of a legal consultant to advise on the legal and constitutional implications of civil forfeiture and the freezing of assets in such circumstances.

Technical assistance is required in the preparation of training modules based on the current legislation; and financial assistance with regard to the review of the operational and administrative procedures, the provision of equipment and training in security and intelligence.

Other areas of technical assistance would be the effective affiliation of Saint Lucia with national, regional and international law enforcement agencies. This would ensure the setting up of auditing systems and internal controls in order to combat external threats of narco-terrorism, international, regional and local criminals who are deported after having been convicted and fined and returned to Saint Lucia with their passports being endorsed at the port of entry.

Financial assistance is also required for the purchase of additional security equipment at the various ports of entry in order to combat the imminent threats of terrorists.

ANNEX TO THE UNITED NATIONS SECURITY COUNCIL RESOLUTION 1373 (2001)
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Proceeds of Crime Act No 10 of 1993

The Money Laundering (Prevention) Act No. 36 of 1999

The Exchange Control Ordinance Chap 180 of the Revised Laws of Saint Lucia

Registered Agents and Trustee Licensing Act No. 37 of 1999

International Insurance Act No. 38 of 1999

International Trust Act No. 39 of 1999

International Business Companies Act No. 40 of 1999

International Banks Act No. 43 of 1999

International Mutual Funds Act No. 44 of 1999

The Money Laundering (Prevention) (Amendment) Act No. 35 of 2001

Customs (Control and Management) Act No. 23 of 1990

Mutual Legal Assistance in Criminal Matters Act No. 10 of 1996

The Firearms Act No. 11 of 2001.

The Explosives Ordinance Chap. 53 of the Revised Laws of Saint Lucia

The Explosives Order Statutory Instrument No. 35 of 1973

The Regional Security System Act No. 30 of 2000

The Immigration Act No. 20 of 2001

Undesirable Aliens Expulsion Ordinance Cap 80 of the Revised Laws of Saint Lucia 1957

The Extradition Act No. 12 of 1986

Civil Aviation (Montreal Convention) Act No. 15 of 1986

Civil Aviation (Tokyo Convention) Act No. 13 of 1986

Hijacking Act No. 14 of 1986

Mutual Legal Assistance (Extension and Application to the USA) Regulations No. 112 of 1999

Immigration Ordinance Chap 76 of the Revised Laws of Saint Lucia 1957

The Passports Act No. 13 of 1991

The Saint Lucia Air and Sea Ports Authority (SLASPA) Act No. 10 of 1983

The Civil Aviation Act No. 1 of 1992

The Civil Aviation (Air Navigation) Regulations No. 93 of 1997

The Shipping Act No. 11 of 1994